

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

REBECCA FRISKE,

Plaintiff,

v.

Case Number 16-12799

Honorable David M. Lawson

BONNIER CORPORATION,

Defendant.

**ORDER GRANTING JOINT MOTIONS FOR EXTENSION OF TIME AND TO
AUTHORIZE DISTRIBUTION OF SETTLEMENT FUNDS**

This matter is before the Court on the parties' joint motion to authorize the distribution of the settlement funds. The parties also filed a joint motion to extend the deadline by which they may file a proposal regarding the distribution of the settlement funds. The Court previously denied the parties' request to allow the payment of \$85,000 in additional administration costs from the settlement fund because such an invasion of the settlement fund would constitute a material modification of the class agreement and would require a fresh fairness hearing and another round of notices and opt-out deadlines. *See* Fed. R. Civ. P. 23(e); *In re Baby Prods. Antitrust Litig.*, 708 F.3d 163, 175 n. 10, 182 (3d Cir. 2013). The parties now propose to split the administrative costs equally between them and Angeion Group (the claims administrator of the settlement fund) to facilitate Angeion's distribution of payments to class members as soon as possible. The Court finds that the proposed motion to authorize the distribution of settlement funds does not materially alter the approved class settlement, as the increase in administrative costs will not impact or impair the class members' rights as anticipated in the order approving the settlement. *Keepseagle v. Vilsack*, 102 F. Supp. 3d 306, 313 (D.D.C. 2015). The Court therefore will grant the motion to

authorize the distribution of the settlement funds and will grant the parties' motion to extend the time to file the proposed distribution.

Accordingly, it is **ORDERED** that the parties' joint motion for an extension of time by which they may file a proposal regarding the distribution of settlement funds (ECF No. 96) is **GRANTED**. The present motion to authorize the distribution of the settlement funds (ECF No. 99) is deemed timely filed.

It is further **ORDERED** that the parties' joint motion to authorize the distribution of settlement funds (ECF No. 99) is **GRANTED**. Class counsel and the defendant and its related parties must each pay a total of \$28,333.33 to Angeion to cover the increased administration costs. Angeion, in turn, must reduce its charges for administration services by \$28,333.33 and commence immediately the distribution of the settlement funds by sending payments to claimants in the amount of \$78.92, each. No costs of administration in excess of the previously-authorized \$100,000 may be taken from the settlement fund prior to the *pro rata* distribution of the fund.

It is further **ORDERED** that the parties and the claims administrator must **PROCEED PROMPTLY** to complete the tasks set forth in the order of final approval and effectuate the distribution to absent class members.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Date: July 15, 2021